

COVID 19 ADVICE FOR LANDLORDS

What restrictions are in place to protect health?

The government's advice at present is to only leave your house for the following reasons:

- Shopping for essentials
- For exercise (once daily)
- Travelling to and from work (when work cannot be completed from home)
- To care for a vulnerable person
- For a medical reason.

Full details can be found at www.gov.uk/coronavirus.

Tenants who live alone will need to self isolate for seven days in the event of becoming symptomatic.

For people who live with others, the advice is for all members of the household to self-isolate for 14 days from the point the first person showed symptoms.

The government has now extended diagnostic testing to all keyworkers and their family members if they are symptomatic.

[Please click here for details of who is a key worker and how to book a test .](#)

If anyone does develop symptoms towards the end of this period they should still isolate for seven days from the point of showing symptoms. The cough may persist for several weeks after the infection has cleared. You do not need to continue to self isolate beyond the 7 day period for this reason alone.

Anyone whose symptoms do not improve after 7 days or whose symptoms worsen (for example an increased breathing rate when inactive) should visit NHS 111 or call 111 from their phone if they do not have access to the web. If symptoms are severe (for example being so short of breath you cannot speak in sentences or chest pain) **call 999 immediately.**

A landlord who needs to visit their property in response to a serious health and safety concern is covered by these exemptions as would be visits to the property by their tradesperson to complete essential repairs (provided both parties are well and non-symptomatic).

The easing of lockdown means you can now undertake viewings to re-let your property (whilst observing certain caveats - see "How should I manage my property whilst restrictions are in place"). Please take note of the [government guidance for people working in, visiting or delivering to other people's homes .](#)

Council staff who deal with the enforcement of standards in the private rented sector will still be responding to complaints concerning health and safety risks in the private rented sector and there are no measures to prevent the Council from taking enforcement action in circumstances where there is serious risk to health and safety.

We are adapting our working practices to minimise the spread and may rely on photos from tenants in lower risk cases. We will contact landlords on the basis of these reports but will be understanding in terms of the timescales we are allowing for resolution. We anticipate that by far the majority of cases can be dealt with informally based on common sense agreements.

What should I be doing as a landlord in regard to social distancing?

The principal aim of the government's public health measures to combat the virus are to limit the number of contacts between members of the community. Throughout the period of controls being in place you will need to ensure:

- You and persons working for you only visit your property if there is a serious health and safety concerns which needs to be addressed. During the visit all persons present must maintain a distance of 2m between themselves to limit the possibility of transmission. Please refer to the government's guidance on renting during COVID-19.
- You are now able to market and arrange letting of your property whilst ensuring social distancing. This can include physical viewings, cleaning and check in/out procedures. Consider a "lead" tenant who you can do the viewing with to limit the number of persons present. Please read and implement the government's guidance for people working in, visiting or delivering to other people's homes.
- Avoid gatherings of more than two people from separate households (for example do not attend with your tradesperson should a repair be necessary).
- Carry out "Right to Rent" checks by requesting tenants to submit electronic copies of their documents or video call the prospective tenant and ask them to hold the documents up to the camera so you can check them. Record this as an adjusted check due to COVID-19 and record the date. The advice in full can be found here .
- Check with your tenant to see if they have been requested to shield as they belong to a high risk group who are at a greater risk from the virus. Persons belonging to these high risk groups have been advised strongly by the NHS to limit social contacts and careful thought will be required as to the necessity for anyone to visit the property. Doncaster Council is working with volunteers to operate a community hub who can assist with things including food and medical supplies, a check in service for isolated members of the community and linking in with other key services.

Working safely and managing my property

The current measures will make it more difficult to manage your property. The government has issued two very helpful pieces of guidance with respect to renting during COVID-19 & working in other people's homes during COVID-19, we recommend you familiarise yourself with them. There are some practical steps you can take to allow you to manage your business during the crisis:

- Follow the decontamination advice <https://www.gov.uk/government/publications/covid-19-decontamination-in-non-healthcare-settings> if a tenant moves out.
- Send your tenants a copy of this poster which covers how to limit spread within the home.
- Avoid pre-planned property inspections unless there is a justifiable health and safety reason to go ahead.
- If you are aware of a repair which needs doing but the tenant is unable to permit access due to self-isolation, ask them to document this in a text or an email. Work should not be

carried out in properties where the tenant is self-isolating or shielding (tenants who are more vulnerable to the infection due to their medical condition) unless there is a serious and direct threat to tenant safety.

- We are advising that non-essential repair works be delayed until the peak of the pandemic has subsided. Matters which we would not consider appropriate to delay would include; water supply problems, sanitation, security, fire safety, electrical safety, gas safety, heating & hot water faults. We are likely to carry out physical inspections of these types of defects if there are no other complicating factors (for example lab confirmed cases and properties where shielding is taking place). Please refer to the government's guidance on renting during COVID-19.

- Following the relaxation of measures on 13th May, letting agents can open their offices and tenants are free to visit. Viewings are now permitted although you should limit the number of people present by suggesting that only one prospective tenant is present during a viewing. Be mindful that the current occupier may not wish to have people enter their home and that is still their right (nobody can enter if the household is in isolation or shielding). Videos can be useful as opposed to physical viewings for advertising purposes. Please read and implement the government's guidance for people working in, visiting or delivering to other people's homes.

How do I meet my Gas Safety Obligations?

Specific legal advice with respect to Gas Safety can be obtained from the HSE via the Gas Safe website <https://www.gassaferegister.co.uk/help-and-advice/covid-19-advice-and-guidance/landlords/>

Please make use of the two-month window you have to arrange the safety check as this can provide an important contingency for you in the event of self-isolation or shortages of safety engineers. For example if your gas safety certificate runs out on July 1st 2020, you can have a new check carried out any time after May 1st 2020 and be given a certificate which is valid until 1st July 2021. Our advice is to plan as early as possible.

Issues with paying rent, council tax, energy bills etc.

<https://www.eppingforestdc.gov.uk/coronavirus/support-for-residents/benefits-and-council-tax-advice/>

I have a vacant room during lockdown, should I be worried about legionella?

Legionnaires' Disease is a potentially fatal form of pneumonia caused by the inhalation of small droplets of contaminated water containing Legionella bacteria. All man-made hot and cold water systems can provide an environment where Legionella will grow but the risks in most residential settings are generally considered to be low owing to daily water usage which is sufficient to turn over the entire system.

Where a property or bedsit room with its own en-suite has not been used for a long time, however, such as during lockdown when the tenant has stayed elsewhere or you have not been able to move a tenant in, the period of time that water has been standing in pipework means that the bacteria may multiply. When water in these pipes is first used, airborne droplets of water have a potential risk of containing Legionella, particularly from shower heads.

As a general principle, outlets on hot and cold water systems should be used at least once a week to maintain a degree of water flow and minimise the chances of stagnation. To manage the risks during non-occupancy, consideration should be given to implementing a suitable flushing regime or other measures such as draining the system if it is to remain vacant for long periods.

Any hot water cylinders (calorifiers) should be set to ensure water is stored at no lower than 60°C. Before opening up or re-letting your property after lockdown, you must consider the risks presented by Legionella, especially if the water systems have not been proactively run during this period or not drained down, and must take appropriate action to minimise the risk of Legionnaires Disease, for which you may need specialist help and advice. Advice and guidance can be found in the attached document and on the HSE webpage. You may also find this guidance from the Chartered Institute of Environmental Health useful.

Tenant's withholding rent – does the pandemic affect liabilities?

No - there is no universal rent holiday during this emergency period. Tenants should continue to pay rent and abide by all other terms of their tenancy agreement to the best of their ability. The government has a strong package of financial support available to tenants, and where they can pay the rent as normal, they should do. Tenants who are unable to do so should speak to their landlord at the earliest opportunity.

As mentioned above notice periods for possession have changed and legal proceedings have been stayed by the Coronavirus Act and associated regulations. Our advice is to negotiate as early as possible in situations where a tenant is having difficulty paying rent and be prepared to accept payment plans or a period of rent at a lower value. Make use of the mortgage holiday periods if you are able.

Difficulties with paying or not receiving rent?

Buy to let lenders have agreed to offer a 3 month mortgage holiday to landlords whose tenants have been financially affected by the pandemic. You must be up to date with your payments to apply for the holiday and interest will accrue during this period which could affect the value of subsequent payments. Mortgage lenders have agreed to suspend any possession claims for 90 days with effect from 19th March 2020.

Employers have been encouraged by the government to retain employees and have offered to pay 80% of wages up to £2500 under the Coronavirus Job Retention Scheme. Self-employed tenants can claim a one off lump sum of up to 80% of their profits (three year average) or £2500 per month (whichever is the lesser). Click here for the Government's advice on help available during the outbreak.

Local Authorities will have access to a £500m grant to cover cases where rate payers are unable to pay their Council Tax. Measures specific to Doncaster Council were announced in a statement by Mayor Ros Jones and can be found here.

Help is available for tenant's who are struggling with pre-payment meters due to self-isolation.

What should I do if a tenant dies in one of my properties?

If the tenant lived alone and assuming you were not the person who discovered that they had passed away (in which case you obviously contact the emergency services) you should get in touch with their next of kin or their emergency contact, or share their contact information with the emergency services who will do this.

If the deceased shared a property you will obviously also need to liaise with the other tenants. If the tenant had shown symptoms of the virus before their death and therefore may have died from it as opposed to other causes, the other tenants will be very concerned about their own health. You should recommend that they self-isolate for the recommended period (14 days) and undertake a deep clean of the property to reassure them.

You will need to liaise with the next of kin for them to have access to collect the deceased belongings. Remember, they have lost a loved one, so be as sensitive as possible. The other tenants should remain in their rooms whilst this is happening.

What Is the Legal Position Regarding the Tenancy?

A tenant's death does not end the tenancy automatically. Instead, the right to end the tenancy will pass on to a number of different people depending on the circumstances and the tenancy type.

If the deceased was on a joint tenancy, the law says the remaining tenants will still hold the tenancy and be expected to pay the rent for the property. Bearing in mind the current situation, the fact that you will not be able to fill the void until after the lockdown and also that the other tenants may be facing financial difficulties, you should discuss this with them. As much as possible you should be flexible and, if necessary, arrange a payment plan involving a deferment or reduction of the rent to allow for one tenant not contributing.

Where the deceased was the sole tenant, but their spouse or civil partner was also using the property as their main home prior to the death, the law says that they will succeed to the tenancy on the same terms as before. It may be wise to arrange to formalise the relationship with a new tenancy agreement to help support the remaining tenants with benefits claims they may need to make.

If the tenant lived alone on a sole tenancy, where there is a will you should try to establish who the executor of the will is as they will be able to legally terminate the tenancy.

The next of kin or the emergency contact should give you some idea who this will be.

Where the tenant has died intestate (without a will) or without an executor the tenancy will pass to the Public Trustee. You should follow their guidance on ending the tenancy .

Managing Houses in multiple occupation (HMOs) during the crisis

We recognise that HMOs present a difficult problem in terms of reducing transmission of the virus and that tenant turnover can be high. However, there are practical steps you can take to lower the risks as far as possible during the course of the pandemic. The sections below provide key information to assist HMO managers and landlords.

Tenancy management

Following the relaxation of measures on 13th May tenants, landlords and agents are free to visit properties for viewings, moving in procedures & cleaning the property after check-out. Lettings agencies may also now re-open and tenants may leave the house to visit their offices. Social distancing will need to be maintained and limits placed on the number of persons present as far as is practicable. Please read and implement the government's guidance for people working in, visiting or delivering to other people's homes.

During tenancy check in and check out procedures, please contact all tenants in advance and ask them to stay away from common parts whilst you undertake the required checks.

It would be good practice to reiterate the key public health measures implemented by the government:

- Avoid leaving the house except for in circumstances which the government have allowed for.
- Don't invite friends, family and partners into the property.

Advise your tenants that this is a stressful period for everyone and they should make efforts to be considerate of all other tenants, particularly those who may be more susceptible to the infection. Provision of soap and hand sanitizer is a sensible step to take.

You may receive a request from a tenant to ask if their partner can move in during the lockdown. You should be sympathetic to the request, however please be mindful not to exceed the permitted number on your HMO licence if applicable.

What happens if one of the tenants has symptoms?

In the event that a tenant in your HMO shows symptoms of COVID-19, the government has advised that the whole household should isolate for 14 days.

Please click [here](#) for the full advice on household isolation .

It's worth keeping in mind that if the symptomatic tenant is a keyworker, the whole household becomes eligible for a test to confirm if the symptoms are caused by the Coronavirus. Full details (including who is classed as a keyworker and how to book a test) can be found on this government website. Your tenants may find it useful if you guide them towards the financial support package being offered by government.

Make clear to your tenants that they should inform you as soon as a possible if they become symptomatic. Should you receive notification that one of your tenants is displaying symptoms of the virus, you should contact all tenants at the property, re-check if any are key workers and reinforce the household isolation requirements.

Property management

Under the HMO Management Regulations property managers have a responsibility to maintain the common parts and this responsibility has not been altered. Cleaners can now be used to manage your responsibility over the common parts. You should not send a cleaner if the household is isolating or houses someone who is clinically vulnerable and has been asked to shield.

The general advice contained within the section above concerning property management applies equally to HMOs.

Students and rent

As part of the fight to control the virus, lecture based teaching in Universities and Colleges has been suspended and computer based learning is being used as a substitute. This means that some students are able to move away from the accommodation they normally reside in whilst attending their place of education. We are aware that some students and Universities have contacted landlords to discuss waiving rent or early surrender.

It would be sensible to flexible in response to such requests if you are able to be. However, contracts are still binding and you are under no legal obligation to act unless the tenant has

been directly financially impacted by the Coronavirus. If they have been directly affected, you should agree to defer payment. The Student Loans Company has advised that they will continue to pay loans during the pandemic. Please click here for their advice in full.
<https://www.gov.uk/guidance/guidance-for-current-students>